

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRUCE WHITE, on behalf of himself and all others similarly situated)	CASE NO. 1:11-CV-02615
)	
)	JUDGE: JAMES S. GWIN
Plaintiffs,)	
)	
vs.)	
)	JOINT MOTION TO MODIFY
CRST, INC.)	CASE MANAGEMENT SCHEDULE
)	
Defendant.)	

Plaintiff, Bruce White, ("Plaintiff") and Defendant, CRST, Inc. ("Defendant") (collectively the "Parties") hereby jointly move this Court to modify the current deadlines set forth in the February 24, 2012 Case Management Conference Orders (Doc. 19 and 20) (the "Scheduling Order"). As a result of several "meet and confer" sessions to discuss the case deadlines, the scope and volume of discovery (including e-discovery matters) and Plaintiff's proposed First Amended Complaint¹, the Parties agree that modification of the current Scheduling Order is necessary. The grounds for, and the identification of, the Parties' requested modification to the Scheduling Order follows.

As instructed by this Court during the Case Management Conference and as set in the Scheduling Order, discovery on the merits as well as on class certification has proceeded simultaneously on parallel paths. In light of the current May 2012 discovery cut-offs and deadlines for filing dispositive motions and motion for class certification, both Parties have diligently proceeded with discovery and have worked quickly to serve written discovery requests on each other. Soon after exchanging discovery requests, the Parties "met and conferred" to

¹ Plaintiff will be filing a Motion for Leave to file his First Amended Class Action Complaint, which the Defendant will not oppose if the current Scheduling Order is modified as requested by both Parties in this Motion.

discuss e-discovery matters, such as custodians, search terms, and relevant third-parties that are critical in the discovery phase of this case.

After receiving Defendant's document production, Plaintiff prepared a proposed First Amended Complaint to conform to newly discovered facts. While a majority of the initial discovery requests will be germane to the proposed First Amended Complaint, Plaintiff's proposed First Amended Complaint would necessitate additional discovery regarding Defendant's policies and practices to provide oral notice to job applicants under the Fair Credit Reporting Act and would require the Defendant to serve additional written discovery requests.

In light of the significant volume of electronically stored information ("ESI") already under review and/or in the process of being identified and collected as well as the unavoidable delays regarding same, the Parties have conferred on multiple occasions to structure a feasible plan to prosecute and defend this case. The Parties agree and understand that not only will the collection, production and necessary review of all of relevant ESI involve significant time, the proposed First Amended Complaint will require additional discovery as well. Accordingly, the Parties request modification of the Scheduling Order as follows:

Event	Current Date	Modified Date
Deadline for Plaintiff to Identify Experts	April 9, 2012	December 21, 2012
Deadline to Complete Discovery for Dispositive Motion	May 7, 2012	January 18, 2013
Deadline to file Dispositive Motion	May 14, 2012	January 25, 2013
Deadline for Defendant to Identify Experts	May 23, 2012	February 1, 2013
Deadline to Oppose Dispositive Motion	May 28, 2012	February 8, 2013
Deadline to file Reply in Support of Dispositive Motion	June 4, 2012	February 15, 2013
Status Conference	May 8, 2012	Week of February 18, 2013

Deadline to Complete Class Certification Discovery	May 14, 2012	February 25, 2013
Deadline to File Motion for Class Certification	May 21, 2012	March 11, 2013
Deadline to Oppose Class Certification Motion	June 4, 2012	April 8, 2013
Deadline to file Reply in support of Class Certification Motion	June 11, 2012	April 15, 2013
Deadline for all Discovery	August 27, 2012	June 28, 2013
Final Pretrial	September 12, 2012	Week of July 8, 2013
Trial	September 17, 2012	Week of July 15, 2013

The Parties have worked together in a cooperative manner to facilitate the expeditious handling of this matter. If the requested modification to the Scheduling Order conflicts with the Standard Track designation in this case, the Parties will not object to the case being transferred to the Complex Track in order to account for the volume of data and discovery that will need to take place. Moreover, this Motion is being filed well before the current deadlines expire to afford the Parties and the Court the opportunity to appropriately modify the Scheduling Order so that no Party is prejudiced.

Therefore, the Parties respectfully request this Court to modify the current Scheduling Order and to re-set the case management deadlines in this case consistent with the above-reference modifications. Should the Court determine that a status conference would assist it in ruling on this Motion, counsel for the Parties will make themselves available for either an in-person or telephonic conference, whichever the Court prefers.

Respectfully submitted,

/s/ MATTHEW A. DOOLEY

DENNIS M. O'TOOLE (0003274)
MATTHEW A. DOOLEY (0081482)
ANTHONY R. PECORA (0069660)
**STUMPHAUZER, O'TOOLE,
McLAUGHLIN, McGLAMERY &
LOUGHMAN CO., LPA**
5455 Detroit Road
Sheffield Village, Ohio 44054
Telephone: (440) 930-4001
Facsimile: (440) 394-7208
Email: dotoole@sheffieldlaw.com
mdooley@sheffieldlaw.com
apecora@sheffieldlaw.com

Attorneys for Plaintiffs

/s/ GREGORY J. LUCHT

GREGORY J. LUCHT (0075045)
JEREMY GILMAN (00014144)
**BENESCH FRIEDLANDER
COPLAN & ARONOFF LLP**
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378
Telephone: (216) 363-4500
Facsimile: (216) 363-4588
E-mail: glucht@beneschlaw.com
jgilman@beneschlaw.com
Attorneys for Defendant CRST, Inc.

CERTIFICATE OF SERVICE

This is to certify that the foregoing document was filed electronically on the 13th day of April, 2012 in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

/s/ GREGORY J. LUCHT
One of the Attorneys for Defendant